

EXHIBIT 1

From: Tavakoli, Shaud G (NYC)
To: 'will@baileyduquette.com'
Subject: RE: [Ext] Valve v. Abbruzzese, 24-1717-JNW: Tactical Motion To Stay To Delay Resolution of Petition
Date: 2/7/2025 1:26:00 PM
CC: Slawe, Meredith C (NYC); McTigue Jr., Michael W (NYC); 'Marks-Dias, Blake'; will@bucherlawfirm.com
BCC:

Message:
Counsel,

Mr. Bucher represented to an arbitrator on January 30, 2025, that withdrawn Respondent Luke Ninemire will be returning from Iraq in April 2025. Please confirm the date on which Mr. Ninemire will return and that you will promptly so advise the Court. Please also confirm that you will promptly advise the Court that you will withdraw Mr. Ninemire's motion to stay as moot on the date of his return in the event the Court has not denied the motion by that date.

In response to your below email, you are incorrect and you have misconstrued Valve's status report. Nothing in Valve's submission states or "indicate[s]" that Valve is withdrawing its opposition to the tactical motion to stay you have filed on behalf of Respondent Luke Ninemire.

It would make no sense for Valve to assent to former Respondent Ninemire's motion. Mr. Ninemire is no longer a Respondent and thus has no basis to move to stay the petition. Moreover, your improper motion to stay the petition filed on behalf of Mr. Ninemire stands in the way of a merits decision with respect to the 621 remaining Respondents and has already caused unnecessary delay. A merits decision will benefit Valve, Respondents, arbitrators, and the AAA because it will provide clarity as to the appropriate forum for Respondents' claims. (As set forth in the petition, Respondents' claims must now proceed in court.)

Arbitrators have observed that your co-counsel Mr. Bucher is attempting to tactically delay the petition and have implored him to progress the petition to a merits resolution. For example, one arbitrator stated in a recent order that Respondents had engaged in "efforts to delay the District Court's decision whether these arbitrations can go forward" that are "part of an overall litigation strategy employed by [Bucher Law PLLC]." Another arbitrator, acknowledging Mr. Bucher's efforts to delay the petition, stated in a recent hearing: "I can offer my sincere hope that all parties and counsel will move forward quickly to put the issue before the District Court judge for resolution." The arbitrator explained that Valve "has articulated a legal argument that deserves a substantive response so that the issues, knotty or not, can be resolved so that these cases can move forward, or not, expeditiously."

Valve urges you and Mr. Bucher to heed the arbitrator's guidance and move forward quickly to put the petition before Judge Whitehead for resolution.

Valve reserves all rights.

Regards,
Shaud

From: Will Burnside <will@baileyduquette.com>

Sent: Friday, February 7, 2025 9:13 AM

To: Slawe, Meredith C (NYC) <Meredith.Slawe@skadden.com>; McTigue Jr., Michael W (NYC) <Michael.McTigue@skadden.com>; Marks-Dias, Blake <bmarksdias@corrcronin.com>

Cc: William Bucher <will@bucherlawfirm.com>

Subject: [Ext] Valve v. Abbruzzese, 24-1717-JNW: Valve's material change in position

Counsel:

We are informed about Valve's status report to Arbitrator Daniel Brooks (attached) in which Valve indicated that it was withdrawing its opposition to Respondent Senior Airman Luke Ninemire's ("SrA Ninemire") motion to stay in the federal court matter (Dkt. 20).

By way of background, SrA Ninemire moved on November 14, 2024, for an automatic 90-day stay of the civil action under the Servicemembers Civil Relief Act. Dkt. 20. Valve opposed SrA Ninemire's motion because it "was no longer seeking any relief from" SrA Ninemire. Dkt. 44 at 7. The motion is pending and ripe for review.

On January 31, 2025, however, Valve materially changed its position as to SrA Ninemire's request for a stay. In the report to Arbitrator Brooks, Valve stated that even though it had attempted to withdraw its petition as to SrA Ninemire, the issues decided in the federal court action "will apply equally to Mr. Ninemire." This is a material change in position by Valve, and Valve has an obligation to inform the Court of its new position, without delay.

Please let us know when we should expect Valve to do so.

Regards,

William R. Burnside
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